IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 31802 of 2006(J)

PETITIONER:

T.KEERAN, AGED 52 YEARS,
SON OF LATE BICHATHAN, RESIDING AT THAMBARA HOUSE, P.O.OLAVATOOR, VIA KONDOTTY, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. THE COMMISSIONER, DEPARTMENT OF RURAL DEVELOPMENT, GOVERNMENT OF KERALA, L.M.S. COMPOUND, TRIVANDRUM.

2. THE ASSISTANT DEVELOPMENT COMMISSIONER (G), MALAPPURAM COLLECTORATE, MALAPPURAM.

3. BLOCK DEVELOPMENT OFFICER, KONDOTTY.

4. THE DISTRICT COLLECTOR, COLLECTORATE, MALAPPURAM.

5. GOVERNMENT OF KERALA REPRESENTED BY THE SECRETARY, DEPARTMENT OF RURAL DEVELOPMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 31802 of 2006

Dated this the 12th day of January, 2007

JUDGMENT

Against Ext.P5 letter dated 27.9.2006, sent by the second respondent to the third respondent informing the latter that the petitioner is not entitled to count the period of his provisional service for the purpose of increment, the petitioner has filed Ext.P6 appeal before the 5th respondent challenging the grounds for rejection stated in Ext.P5 and the interpretation placed on the relevant Government orders. It is contended that Ext.P5 is unsustainable and therefore, the Government has to interfere into the matter and direct the subordinate authorities to grant the benefit of increment to the petitioner reckoning provisional service also.

2. As per rule 24 of the Kerala Civil Services (Classification & Appeal) Rules 1960, the Government is vested with the power to consider the grievances highlighted by the petitioner in relation to the decisions taken by the subordinate authorities. Hence, there shall be an order directing the 5th respondent to consider Ext.P6, take appropriate decision and communicate the same to the petitioner, as early as possible, in any event, within three months from the date of

receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 5th respondent for information and compliance.

The writ petition is disposed of with the above directions.

K.K.DENESAN, JUDGE

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